

REMARKS

The foregoing amendments and the following discussion address the Restriction Requirement and the Examiner's recommendations as to the claims. Assignee wishes to thank the Examiner for the unsolicited recommendations which are intended to clarify certain terms while increasing the scope of coverage of the claims. It is thus noted at the outset that in acceding to the Examiner's suggestions as to amending the claims, there has been no surrender of subject matter whatsoever.

Claims 1-6 are currently pending. Claims 1-6 have been amended herein. New claims 7-20 have been added. The amendment is fully supported by the original disclosure. No new matter has been presented.

It is noted that claims 1-6 have been amended; however, this amendment is not in response to prior art or a rejection or objection from the Examiner. This amendment is merely to correct minor informalities. The change does not alter the literal scope of the claims. It is, therefore, asserted that no prosecution history estoppel results from this amendment.

As regards the preamble of claim 1, it has been amended to recite "A light guide plate structure" in light of the Examiner's suggestion.

Additionally, the preamble of claim 4 has been amended in accordance with the Examiner's suggestion to recite "a back light for a display".

With respect to claims 3 and 6, the Examiner asserts that the bottom surfaces of the plurality of transparent elements "cannot be" on a same surface because each element "is in its own individual notch". See item 2.b. of the Office Action. Without acquiescing in the Examiner's position, claims 3 and 6 have been amended to recite that the bottom surfaces of the plurality of transparent elements are substantially coplanar; thus not altering the literal scope of these claims.

The Examiner has asserted that the claims are drawn to two distinct species of which Species A is drawn to a back light device as shown in Figure 3 that is not of a mesa type, and Species B is drawn to a back light device as shown in Figure 4 that is of a mesa type. The Examiner also asserts that claim 1 is generic.

Although a provisional election will be made as indicated below, this restriction requirement is respectfully traversed. As discussed in MPEP §808 every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween. Under MPEP §806.04(f), claims that are restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species.

Here the Examiner has not established that the claims are mutually exclusive and properly subject to a restriction requirement. The Examiner has identified Assignee's Fig. 3 as Species A and Fig. 4 as Species B, but has not established that these figures are mutually exclusive and has also not established that the inventions "as claimed" are also mutually exclusive. In the absence of such a showing by the Examiner, Assignee respectfully requests the Restriction Requirement be withdrawn.

In so far as the Examiner maintains the restriction requirement (which, as discussed above, is improper), Assignee provisionally elects Species B shown in Fig. 4. Dependent claims 3 and 6 are directed to the elected species. Further, the Examiner has acknowledged that independent claim 1 is generic. Assignee respectfully submits that independent claim 4 is generic for the same reasons as

independent claim 1. Likewise, dependent claims 2 and 5 are also generic. Additionally, new claims 7-8 are directed to elected Species B, while new claim 9-20 are generic for the same reasons as independent claim 1. Accordingly, no claims need be restricted as claims 1, 2, 4, 5 and 9-20 are generic while claims 3, 6 and 7-8 are directed to the elected Species B.

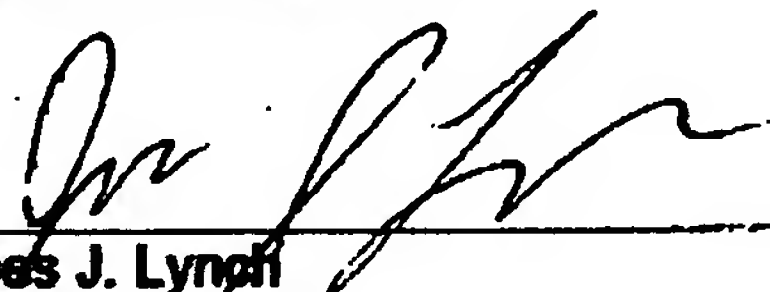
CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439.6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3130.

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Respectfully submitted,



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